

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

v.

EMILIO MARRERO GARCIA

Defendant

CRIM. NO. 98-199 (SEC)
U.S. DISTRICT COURT
SAN JUAN, P.R.

**SPECIAL APPEARANCE REQUESTING ORDER FOR CANCELLATION OF
FORFEITURE AT THE REGISTRY OF PROPERTY**

TO THE HONORABLE COURT:

COMES NOW, Doral Mortgage Corporation ("DMC"), through the undersigned attorneys and respectfully states and prays as follows:

1. On July 9, 2002, this Honorable Court entered a final Order of Forfeiture against several properties pursuant to a stipulation entered into between third party claimant, Jessica Rodríguez Lugo and the United States of America ("USA"), and a plea and forfeiture agreement entered into USA and defendants, Emilio Marrero García and Zoraida Rivera Rivera. Among the properties forfeited pursuant to the aforementioned Order was the following:

"ONE RURAL LOT #13,837, LOCATED AT TIERRAS NUEVAS WARD, MANATI, PUERTO RICO, MORE FULLY DESCRIBED AT PROPERTY REGISTRY OF PUERTO RICO AS FOLLOWS:

RUSTICA: Solar marcado con el #6 del plano de inscripción y que radica en el Barrio Tierras Nuevas Salientes del término municipal de Manatí, Puerto Rico, sector Boquillas, con un área superficial de 1,000 metros cuadrados, colindando por el Norte, distancia 50.00 metros con el solar 5; por el Sur, en 50.00 metros con solar 7; por el Este, en 20.00 metros con solar 8; y por

el Oeste, en 20.00 metros con área dedicada a uso público.

Se segrega de la finca #13,028, inscrita al folio 90 del tomo 343 de Manatí, a favor de Jaime Sánchez Mejías y su esposa Rita Vidal Alvarez.

This property is inscribed in page 160, volume 374 at the Property Registry of Manatí; property no. 13,837.

This property is encumbered by the following liens:

A mortgage in favor of Doral Mortgage Corporation, in the amount of \$55,000.00.

See Exhibit A.

2. The aforementioned Order of Forfeiture was served upon the Property Registrar at Manatí on January 30, 2003 for recordation over the aforementioned property ("Rural Lot #13,837").

See Exhibit B.

3. However, the forfeiture of Rural Lot #13,837 was a mistake. USA intended to forfeit another property instead ("Rural Lot #11,707"), which is described herein as follows:

ONE RURAL LOT #11,707, LOCATED AT TIERRAS NUEVAS SALIENTES WARD, MANATI, PUERTO RICO, MORE FULLY DESCRIBED AT THE PROPERTY REGISTRY OF PUERTO RICO AS FOLLOWS:

RUSTICA: Solar marcado con el #6 del plano de inscripción y que radica en el Barrio Tierras Nuevas Salientes del término municipal de Manatí, Puerto Rico, sector Boquillas, con un área superficial de 1,000 metros cuadrados, colindando por el Norte, distancia 50.00 metros con solar 5; por el Sur, en 50.00 metros con solar 7; por el Este, en 20.00 metros con solar 8; y por el Oeste, en 20.00 metros con área dedicada a uso público.

Se segrega de la finca #13,028, inscrita al folio 90 del tomo 343 de Manatí, a favor de Jaime Sánchez Mejías y su esposa Rita Vidal Alvarez.

This property is inscribed in page 284, volume 286 at the Property Registry of Manatí, property no. 11,707.

This property is encumbered by the following items:

A Bearer Note in the amount of \$200,000.00.

4. To rectify this mistake, USA filed a "Motion for Amended Final Order of Forfeiture" on April 2, 2003 and requested that the Final Order of Forfeiture be amended to include the correct Property Registry description of the property subject to the forfeiture, that is, Rural Lot #11,707. See Exhibit C.

5. On April 8, 2003, this Honorable Court entered an Amended Final Order of Forfeiture through which it substituted Rural Lot 13,837 with Rural Lot 11,707 to correct the mistake made the original order of forfeiture. See Exhibit D. However, the forfeiture was not corrected at Manatí's Property Registrar. There, Rural Lot #13,837 still appears to be forfeited by the United States as a result of the presentation for recordation of the July 9, 2002-Final Order of Forfeiture.

6. This situation precludes DMC for selling the property through public auction, as part of the collection efforts initiated by DMC in Doral Financial Corporation v. Pedro Freytes Santos, Zoraida Rivera Rivera, et. al., Civil No. CCD 2000-0076 (404), Court of First Instance, Arecibo Part. Therefore, DMC requests this Honorable Court to issue an Order directed to the Manatí Property Registrar to cancel a forfeiture recorded upon Rural Lot 13,837 for the reasons herein stated.

WHEREFORE, DMC respectfully requests that this Honorable Court issue an Order directing Manatí's Property Registrar to cancel the forfeiture recorded over Rural Lot #13,837 for the reasons herein stated.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this April 25, 2006.

WE HEREBY CERTIFY that on this same date, we electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the attorneys of record.


s/ Herman G. Colberg-Guerra

HERMAN G. COLBERG-GUERRA

USDC-PR No. 212511

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